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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION)	SIPA LIQUIDATION
CORPORATION,)	
	Plaintiff)	Case No. 08-01789 (BRL)
)	(Substantively Consolidated)
	v.)	
)	
BERNARD L. MADOFF INVESTMENT)	
SECURITIES, LLC,)	
	Defendant)	
<hr/>)	
In re:)	
)	
BERNARD L. MADOFF,)	
	Debtor.)	
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**COUNTERSTATEMENT OF THE ISSUES AND COUNTERDESIGNATION
OF THE RECORD OF APPELLEE OF
SECURITIES INVESTOR PROTECTION CORPORATION**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, Appellee, the Securities Investor Protection Corporation (“SIPC”), hereby adopts and incorporates by reference the counter-designation of the record made by Irving H. Picard (“Trustee”), as trustee for the above-captioned liquidation, with respect to the appeal referenced in ECF No. 5246.

SIPC counter-states the issue presented on appeal as follows:

Whether the United States Bankruptcy Court for the Southern District of New York correctly denied for lack of standing the motion of certain persons (“Non-Claimants”) who did not file claims under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa et seq., in the above-captioned liquidation, and who are now statutorily time-barred from so doing, to intervene in proceedings (“Time-Based Damages Proceedings”) regarding a time-based damages adjustment to such claims filed with the Trustee by persons other than the Non-Claimants?

DATED: March 14, 2013

Respectfully submitted,

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/s/ Christopher H. LaRosa
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